



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Jancic Family Revocable Trust 2011/Tax Map 133, Lot 42

October 19, 2011

**Applicant: Jancic Family Revocable Trust 2011
Dale A. & Betsy L. Jancic, Trustees
17 Harvard Lane
Bedford, NH 03110**

Location: 169 Stanyan Road, Moultonborough, NH (Tax Map 133, Lot 42)

On October 5, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of the Jancic Family Revocable Trust 2011 (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B) (4) to allow for the replacement of an existing solar heated room with a standard finished construction with standard heat, the addition of a set of steps to the existing deck, and relief to replace the current 4x4 columns on sonotubes with 16x16 stone base columns, a portion which will lie within the required 50 foot water setback located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 169 Stanyan Road (Tax Map 133, Lot 42).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public hearing by Tony Fallon, Tony Fallon Architecture.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) A portion of the existing dwelling is located within the required waterfront setback.
- 6) Mr. Fallon provided the board with photos of the existing dwelling and deck, and photos showing both the interior and exterior of the sun room.

- 7) The proposed renovation will not increase the footprint of the existing non-conforming structure.
- 8) Granting the Variance will not be contrary to the public interest as the footprint is remaining the same, except for a minimal size access steps which is allowed by NHDES under the Permit by Notification procedure.
- 9) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the renovation does not change the existing footprint except for the access steps
- 10) By granting the Variance, substantial justice is done.
- 11) Granting the Variance does not diminish the value of surrounding properties as the construction will add value to the existing home.
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the existing portion of the home has been part of the home since it was built in 1974.
- 13) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Hopkins, Roseberry, Crowe), and none (0) opposed to continue the Public Hearing to October 19, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the October 19, 2011 Regular Meeting.

The Public Hearing was continued to October 19, 2011. The Board of Adjustment closed the Public Hearing on October 19, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Heal, Roseberry, Crowe), none (0) opposed, one (1) abstention (Hopkins), to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____